

The Virginia Department of Education (VDOE) submitted a request to the U.S. Department of Education (USED) for waivers of certain fiscal requirements of the *General Education Provisions Act* (GEPA) and the *Elementary and Secondary Education Act of 1965* (ESEA) as follows:

- The first waiver is of Section 421(b) of GEPA (the “Tydings Amendment”) as it affects the authority of the Virginia Department of Education and its subrecipients to obligate Federal Fiscal Year (FFY) 2010 School Improvement Grant (SIG) funds after September 30, 2012. Specifically, VDOE will request that the authority to obligate funds for the School Improvement Grant funds, authorized under Section 1003(g) of ESEA, be extended to **September 30, 2013**. The extended authority to obligate these funds would enable the VDOE and its subrecipients to increase the quality of instruction for students, improve their academic achievement, and continue to assist the same populations served by the programs for which this waiver is being requested in accordance with applicable program requirements.
- The second waiver is of Section 1127(a) of ESEA, pertaining to limitations for carryover of Title I, Part A, funds. Specifically, this section: 1) limits the carryover percentage to not more than 15 percent of the funds allocated to a local educational agency (LEA) for any fiscal year under this subpart to remain available for obligation for one additional fiscal year; and 2) limits the state educational agency’s ability to waive the percentage limitation for an LEA to carryover these funds once every three years. As background, on October 2, 2009, Virginia was granted a waiver of Section 1127(a) to allow LEAs to carryover greater than 15 percent of unspent Title I, Part A, funds for FFY 2009 and 2010 (See Attachment A). Virginia’s LEAs have made progress toward obligating and spending the FFY 2009 and 2010 funds; however, spending progress reports for FFY 2011 indicate that certain LEAs will need an additional waiver of the limitation to carry over no more than 15 percent once every three years in order to also obligate and spend the full FFY 2011 funds.

In submitting the request for these waivers to USED, the state must provide notice to the public of the request. Questions regarding the request of the waivers should be directed to Ms. Veronica Tate, director, Office of Program Administration and Accountability, at Veronica.Tate@doe.virginia.gov or (804) 225-2869.